IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1087 (SS) of 2007

Rajendra Singh Malik,
S/o Sri Nar Singh Malik,
Conductor, R/o Lal Malik Parau,
Tanakpur,
District – Champawat. **……. Petitioner.**

Versus

1. Uttarakhand Parivahan Nigam, through its managing Director, 117, Indira Nagar, Dehradun.
2. Regional Manager, Uttarakhand Parivahan Nigam, Tanakpur, Champawat.
3. U.P. Parivahan Nigam, Tanakpur / Lucknow through its Regional Manager.

…….Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri M. S. Chauhan, learned counsel for the petitioner, Sri N. S. Pundir, learned counsel for respondent nos. 1 and 2 and Sri Ramji Srivastava, learned counsel for respondent no. 3.

By means of this writ petition, petitioner has prayed for the following relief:

a. Issue a writ, order or direction in the nature of Mandamus directing the respondents to pay the subsistence allowance to the petitioner with effect from 08.01.2003 to 05.06.2003 along with 12% interest.

b. Issue a writ, order or directing the respondents to pay compassion Rs. 25000/- for withholding the subsistence allowance of the petitioner arbitrarily and illegally.

c. *Issue any other order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

d. *Award cost of the petition to the petitioner.*

The stand of the petitioner is that petitioner was working in Uttarakhand Transport Corporation, at Tanakpur Depot and was suspended on 08.01.2003 by the respondent no. 2 on the ground that he has not complied with the order passed by his superior authority by which petitioner was transferred from one place to another. Petitioner could not comply with the order of superior authority because of his illness and after submitting medical documents before the authority concerned, respondent authority has revoked the suspension order dated 08.01.2003 and permitted the petitioner to join his duties at Tanakpur Depot. Consequently, petitioner joined his duties on 05.06.2003.

Though there was specific mention in the suspension order dated 08.01.2003 that suspension allowance shall be paid to the petitioner in accordance with law. However, the same was not paid to the petitioner, consequently, petitioner made representation dated 14.09.2006 for payment of subsistence allowance with effect from 08.01.2003 to 05.06.2003.

Respondents have not paid any heed to the request of the petitioner and petitioner has yet not received subsistence allowance for which he is entitled, according to the provision mentioned in the Financial Hand Book.

In these circumstances, it deem it fit and proper to direct the respondent no. 2 to make payment of subsistence allowance for the period 08.01.2003 to 05.06.2003 to the

petitioner within a period of six weeks from the date of production of certified copy of this order along.

With this direction, writ petition as well as stay application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 23, 2007
SKS